Inside this Issue

Board and Staff Directory ........................................ 2
View from the Chair: Soul for Sale! ............................ 3
Board Honors Departing Members ............................. 4
Certificate Ceremonies: Winter 2014 ......................... 5
Board Member Appointments ................................... 5
NCEES News: Member Licensing Boards
Sign MOUs with JPEC ........................................... 6
Examination Statistics and Dates .............................. 8
Business Firm Renewals .......................................... 9
Membership Notices ............................................... 10
Disciplinary Actions .............................................. 11
The North Carolina Bulletin

Published to provide news and information regarding statutory and regulatory changes and to promote a better understanding of the practices of engineering and land surveying in the State of North Carolina.

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ON THE COVER: The Herbert C. Bonner Bridge, opened in 1963, connects Nags Head to Hatteras Island. The Bonner Bridge Replacement Project will replace the existing bridge over Oregon Inlet and provide for the long-term retention of NC 12 between Oregon Inlet and Rodanthe. NCDOT anticipates a completion date in 2016.
I truly believe that we have been empowered by the public to represent them in a noble and humble way. To look out for their best interest each and every time, to make sure we are protecting their life, their safety and their welfare. Sounds familiar? It is the oath we took when we entered this profession and became licensed to practice as a professional engineer or land surveyor.

Prior to joining the Board, I was so naive as to believe that everyone with a seal and the ability to sign it took this oath to heart and felt passionate and honored to do just that: protect the public. To my surprise and followed sadness, that is not the case. In the four years I have served on this Board, I have dealt with over one hundred investigations, many of them resulting in disciplinary action. The ones that put me over the edge were those when it was crystal clear the licensee was looking out for his client or for his wallet and not for the safety of the public. Basically, they sold their souls for a few dollars! I am not referring to situations where the licensed professional inadvertently left a detail off the drawing, made a mistake in transposing a dimension, misinterpreted the intention of the code, or a number of other unintentional errors or omissions that unfortunately are part of our profession. I am talking about flagrant actions that compromised the ethics and integrity of the individual and put the public at risk.

Many years ago – when serving on the State Building Commission – I was given a great word of advice: “If the situation may be remotely perceived as a conflict of interest, err on the ethical side, err on the public’s side.” This is my advice to you today, if you made it this far on the article, “Think about the public first, always.” As engineers and surveyors we are given the opportunity to create dreams, to solve significant problems, to be innovative, to lead in the sciences and so much more. We should respect the profession with our soul and all of our being and be proud of who we are. As a young engineer, I was told by my mentor that we were not designing the foundations, beams and columns of buildings; we were designing hospitals, schools, churches, airports and buildings that make a difference in people’s lives. We were contributing to the welfare of the public and to the economic development of the region – what more can we ask for? We have been entrusted with these gifts; let’s make sure we treat them with care and love.

As a reminder from the Engineers and Land Surveyors’ Code of Ethics, note the first statement from the Fundamental Principles and Canons:

“Engineers and Land Surveyors uphold and advance the integrity, honor and dignity of the profession by using their knowledge and skill for the enhancement of human welfare. Engineers and Land Surveyors shall uphold paramount the safety, health and welfare of the public in the performance of their duties.”

**Intentionality**

I asked my friend Derrick, “How does a company go about building a diverse workforce and a diverse leadership team?” He responded, “It is all about intentionality. First, it has to be a priority and a vision of the leadership of the organization who understands and embraces the advantages of diversity, and second, it has to be an actionable objective of management.” In other words, we have to pre-determine our efforts as to where we go recruiting, how we go about it and whom we select to come and join us. It has been proven over and over again that diverse teams with members of different backgrounds,
cultures, races, genders and ages, who trust each other, will debate from different experiences; basically, diverse opinions lead to better decision making.

Patty Mamola, president of NCEES, wrote, "I truly believe that diversity increases the pool of possibilities of what can be created, of what can be engineered."

NCEES has been challenged by the National Society of Professional Engineers and the Society of Women Engineers to join them in their work to increase the number of women in engineering. NSPE feels strongly that a new approach and a new look is necessary to increase the presence of women in the profession. Ms. Mamola also expressed the desire and willingness of NCEES to assist the National Society of Professional Surveyors with its rapidly evolving field that also requires a fresh and different look at their approach to promotion.

**CBT**

October 26, 2013 will go down in our professional history as the day of the last administration of the FE and FS exams in pencil-and-paper format. This change closes the way these exams had been administered for almost 50 years and 40 years respectively. In 2012, the NCEES Board voted to move the PE and PS exams to CBT. No date has been set for when this change will occur, but it is coming. Technology is changing not only the way we administer exams, it is also posing challenges in defining how we determine responsible charge when sealing drawings that have been created using IDP (Integrated Project Delivery) and BIM (Building Information Modeling). The Board is currently following a pilot project jointly proposed by Carolinas HealthCare System and Mecklenburg County Code Enforcement, directed by Jim Bartl, AIA, Director of Code Enforcement, in association with Tim Ledgerwood, Assistant VP of the facilities group at Carolinas Healthcare. An outcome of this effort is a proposed draft amendment for the use of professional seals on BIM-IDP projects, which is currently under discussion.
Andrew G. Zoutewelle, PLS was appointed by Governor Pat McCrory on January 22 to fill the Board vacancy created by the expiration of the second term of Gary W. Thompson, PLS on December 31, 2013. Mr. Zoutewelle’s term will expire on December 31, 2018.

Mr. Zoutewelle holds a BS in Chemistry from Davidson College. He has been a licensed NC surveyor since June 26, 1987. Mr. Zoutewelle is the President of A. G. Zoutewelle Surveyors in Charlotte.

Gary H. Pendleton was appointed by Governor McCrory as a Public Member of the Board on February 5 to fill the Board vacancy created by the expiration of the term of Elizabeth N. Willoughby on December 31, 2013. Mr. Pendleton’s term will also expire on December 31, 2018.

Mr. Pendleton, owner and founder of Pendleton Financial Services in Raleigh, is a Board member of the Centennial Authority and a former chair of the Wake County Board of Commissioners. He also served for 26 years in the United States Army before retiring in 1992 with the rank of Brigadier General.

Subsequent to the October 2013 PE and PLS exams, successful candidates were invited to certificate presentation events sponsored by the Board in Charlotte and Raleigh.

The Charlotte ceremony was held on January 23, 2014 at the William States Lee College of Engineering in the Halton Arena on the UNC-Charlotte campus. Guest speaker was Representative L. Dean Arp, Jr., PE, from North Carolina’s 69th District in Union County. Executive Director Andrew Ritter assisted Board Chair Willy E. Stewart, PE and Board members Linda A. Thurman, Public; David L. Pond, PE; and Gary W. Thompson, PLS as they recognized approximately 39 new Professional Engineers and one new Professional Land Surveyor. The new licensees were joined by almost 150 friends, family members and official guests. Refreshments were enjoyed by the attendees after the ceremony. Board member Linda A. Thurman handled all planning and coordination for this very successful event.

The Raleigh ceremony – scheduled for January 28, 2014 – was canceled due to adverse weather conditions.

**Certificate Ceremonies: Winter 2014**

**Board Member Appointments**
The state licensing boards that regulate the practice of engineering in North Carolina, Kentucky, and Texas signed memorandums of understanding (MOUs) with the Japan PE/FE Examiners Council (JPEC) on December 18 in Tokyo, Japan. The MOUs allow for those who have successfully completed NCEES licensing exams in Japan to seek licensure as a professional engineer, or P.E., in the three U.S. states.

The boards’ executive directors signed the MOUs for their jurisdictions: David Cox, of the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors; Andrew Ritter, of the North Carolina Board of Examiners for Engineers and Surveyors; and Lance Kinney, PE, of the Texas Board of Professional Engineers. The states’ trade representatives to Japan also attended the signing ceremony. JPEC representatives included the organization’s president, Masami Yoshimoto, PE.

“Some state requirements can make it difficult for someone from Japan to get an engineering license in the United States, such as requiring that he or she reside in that state,” Ritter said. “My state, as well as Texas and Kentucky, wanted to work with JPEC to make sure that we don’t have any unnecessary barriers.”

In the United States, the practice of engineering is regulated by each state or territory. Each jurisdiction sets its own requirements. The main areas are education, examination, and professional experience.

“The Kentucky, North Carolina, and Texas boards all have procedures in place to evaluate professional experience gained outside the United States, and none require that an individual reside in the state to first get a PE license,” said Cox.

The boards do require that licensure candidates comply with all applicable state and federal requirements. “We use the same standards to evaluate domestic and international applicants,” Kinney said. “We must ensure that individuals are competent to practice engineering and standards are upheld.”

Continuing a valued relationship
At the ceremony, NCEES and JPEC also signed a new agreement that allows NCEES exams to continue to be offered in Japan through JPEC. The Fundamentals of Engineering exam now will be offered throughout the year.
at approved Pearson VUE test centers in Tokyo and Osaka. The Principles and Practice of Engineering exam will continue to be administered in the spring and fall in Tokyo.

NCEES exams have been offered in Japan since 1992, initially through a MOU between the parent organization of JPEC and the Oregon State Board of Examiners for Engineering and Land Surveying. Since 2006, they have been offered through an agreement between NCEES and JPEC.

Enhanced mobility of the PE license is a key element of the NCEES strategic plan and a focus of NCEES President Patty Mamola, PE, who represented the organization at the signing ceremony with CEO Jerry Carter.

“We want to champion mobility for professional engineers here in the United States and globally,” Mamola said. “Making it easier to practice engineering across borders will promote the exchange of ideas and accelerate advances.”

North Carolina Executive Director Andrew Ritter shakes hands with Masami Yoshimoto, PE, President of the Japan PE/FE Examiners Council after signing the Memo of Understanding between the two licensing boards.

Pictured are (seated/front row): Andrew Ritter, Executive Director – NC; Jerry T. Carter, Chief Executive Officer – NCEES; Patty Mamola, PE, President – NCEES; Masami Yoshimoto, PE, President – Japan PE/FE Examiners Council; David Cox, Executive Director – KY; and Lance Kinney, PE, Executive Director – TX.

Also pictured (standing) are: JPEC Board and staff and trade representatives from North Carolina, Kentucky and Texas.
Exams
» Stats
» Dates
» News

October 2013 Exam Statistics

The results from the October 2013 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

- Fundamentals of Engineering (FE) 71.78% pass rate
- Principles & Practice of Engineering (PE) 62.25% pass rate
- Fundamentals of Surveying (FS) 44.44% pass rate
- Principles & Practice of Surveying (PS)
  - October 2013: Part A: 69.23% pass rate; Part B: 75.00% pass rate; Part C: 36.84% pass rate
  - January 2014: Part B: 100.0% pass rate; Part C: 57.14% pass rate

2014-15 Examination Dates

National examinations are to be conducted on the following dates:

- Examination Date: October 24, 2014; Deadline: August 1, 2014 PE & PS Exams
- Examination Date: April 17, 2015; Deadline: January 2, 2015 PE & PS Exams
- Examination Date: October 30, 2015; Deadline: August 1, 2015 PE & PS Exams


The Board administers national licensure examinations as offered by the National Council of Examiners for Engineering and Surveying (NCEES). For additional information about the exams or application process, please visit the Board’s website at www.ncbels.org or contact the Board office at (919) 791-2000.

Examination dates for Out-of-State Surveying Applicants

- Examination Date: July 21, 2014; Deadline: May 1, 2014
- Examination Date: January 26, 2015; Deadline: November 1, 2014
- Examination Date: July 20, 2015; Deadline: May 1, 2015

The Board has added exam dates for Out-of-State Surveying Applicants ONLY. The usual April and October examination periods also apply.
It is almost time for the 2014 Online Firm Renewal process to begin and I wanted to take this opportunity to give a summary of firm items as a way to assist all firms in the upcoming renewal process.

**N.C.G.S. 55B (Professional Corporation Act)**

All Professional Corporations and Professional Limited Liability Companies are required to meet the licensure requirements of G.S. 55B. This means that all firms with license numbers of “C-XXX” or “P-XXX” must be at least two-thirds owned by licensees (in the professions authorized in North Carolina). The only professions that may be authorized and counted in the same entity are engineering, land surveying, architecture, landscape architecture, geology and soil science. If an entity is not licensed in the profession(s) listed but has shareholders licensed in that profession, their shares cannot count towards the two-thirds ownership and they are considered non-licensed and should be reflected as such on the renewal.

As part of the Statute, at least one North Carolina licensee for each profession authorized and regulated by the Board (Engineering and Land Surveying) must be an Officer, Director (Board of Directors) and Shareholder of the corporation. If the entity is a Professional Limited Liability Company, there must be at least one North Carolina licensee for each profession authorized (Engineering and Land Surveying) who is a Member and Manager of the firm. If a firm has multiple licensees in the same profession, the firm may have one licensee who is only a Director and a second in the same profession who is an Officer and Shareholder.

**Resident/Responsible Licensee Requirements**

Each location offering/providing services on North Carolina projects must be listed with the Board. In addition, each location in the State of North Carolina must have a Resident licensee designated on the renewal (for each profession regulated by the Board and offered from the location), who is the licensee meeting the Board Rule Resident Licensee requirement [NCAC Title 21, Chapter 56 (Board Rules), Section .0901(c)]. For out-of-state locations offering/providing services on North Carolina projects, each location listed on the renewal must have a Responsible licensee designated on the renewal. A Resident licensee for in-state locations may only be the resident for one location; however, the same licensee may be a Responsible licensee for multiple out-of-state locations.

All Professional Corporations and Professional Limited Liability Company’s must account for 100% of the total shares of stock or membership of the entity on the renewal. If shares or membership does do not total 100%, the entity will not be permitted to submit the online renewal.

At the end of May, each licensed firm will be mailed a postcard that will be sent to the address the Board has on file containing instructions on how to renew the firm’s license online. The firm renewal fee for 2014-2015 is $75.00. **All firm licenses expire on June 30, 2014.**

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**Do you need to update your Firm Address?**

To ensure the firm receives its renewal postcard reminder, the firm must have the correct mailing address on file in Board records. If a firm needs to update its information, such as addresses, it can do so by going to the Business Section of the Board website (www.ncbels.org) and completing the appropriate change form and emailing or mailing it to the Director of Business Licensure.

For any business firm questions, contact Mark Mazanek, Director of Firm Licensure, via email to mmazanek@ncbels.org or by phone at (919) 791-2000 x102.
**Board Meetings**

*Meetings of the NC Board of Examiners for Engineers and Surveyors are open to the public.* Meetings are conducted at the Board office at 4601 Six Forks Road, Suite 310, Raleigh, NC 27609 (unless otherwise noted). Persons wishing to be placed on the agenda should submit a written request to the Board address as follows: ATTN: Andrew Ritter, Executive Director, at least two weeks in advance of the next regularly scheduled Board meeting. These requests should contain information concerning the nature of the business that you would like to discuss with the Board.

**Address Changes**

Per Board Rule [21 NCAC 56.0505(a), .0606(a)], you are required to provide the physical places of business and residential addresses. You can still provide a PO Box for your mailing address. You can login to the **Licensees Only** section on the Board’s website at anytime to update your addresses and e-mail. Also, you are required to give notice to the Board of a change of business or residential address within 30 days of the change.

**Paper Renewal Opt Out**

To streamline the PE/PLS license renewal process and to be environmentally friendly, the Board offers a paper renewal opt out feature. To opt out of receiving paper renewal forms, login to the **Licensees Only** section on the Board’s website using your license number and PIN and follow the opt out instructions. If you do not know your PIN, click here to recover it. The Board will continue to send e-mail notices when it’s time to renew so keep your e-mail address up to date.

**Need a Speaker?**

Board members and staff are available to speak at meetings of professional and technical societies, as well as community-based organizations. Requests for speakers should be made as far in advance as possible to Andrew Ritter, Executive Director, at the Board office: 4601 Six Forks Road, Suite 310, Raleigh, NC 27609.
CASE NO. V2011-091
G. Martin Wynn, Jr., PE [21182]
Wilmington, NC

VIOLATION: Found guilty of a felony or crime involving moral turpitude [G.S. 89C-21(a)(3)].

BOARD ACTION: Refuse to reinstate Engineering Certificate of Licensure until proof of passing the Engineering Ethics Intermediate Course offered by the Murdough Center of Texas Tech University is provided, 15 additional PDHs and proof of restoration of civil rights prior to license reinstatement.

CASE NO. V2012-058
John E. Beeson, PLS [L-1828]
Winston-Salem, NC

VIOLATION: Map 1
Failed to report the results of a survey in a clear and factual manner, including but not limited to, not indicating purpose of survey and lines shown [.1602(f)]; performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; and failed to identify all reference sources [.1602(f)].

Map 2
Failed to report the results of a survey in a clear and factual manner, including but not limited to, not indicating purpose of survey, lines shown and monuments accepted [.1602(f)]; performed an inaccurate or substandard survey, failing to protect the public [.0701(b)], including but not limited to, setting monuments without valid basis or reference; and failed to identify all reference sources [.1602(f)].

BOARD ACTION: Reprimand and $1500 civil penalty.

CASE NO. V2013-031
Kirby R. Braxton, PLS [L-2622]
Vanceboro, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to perform services in an ethical and lawful manner [.0701(g)]; failed to provide legend [.1604(d)(11)]; and failed to properly indicate scale on maps [.1604(d)(11)].

BOARD ACTION: Accepted voluntary and permanent surrender of license to practice land surveying in North Carolina.

CASE NO. V2013-032
Comtech, Inc. [non-licensed]
Fayetteville, NC

CORRECTION: The Board’s previously reported action of a cease and desist has been rescinded and the case was closed as unfounded.

CASE NO. V2013-042
William G. Moore, PLS [L-2638]
Garland, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; failed to properly certify a document [.1103]; failed to provide adequate tie [.1602(g), .1604(d)(9)]; and failed to report the results of a survey in a clear and factual manner [.1602(f)] for acreage of remainder of lot.

BOARD ACTION: Reprimand.
CASE NO. V2013-050
George A. Moretz, PE [10443]
Raleigh, NC

VIOLATION: Failed to comply with the annual CPC requirements [.1712]; submitted false information on renewal form [G.S. 89C-23, .0701(d)(1)]; and failed to maintain log and verification records to support PDH credits for CPC [.1706].

BOARD ACTION: Reprimand, $1000 civil penalty, make up 45 PDHs, obtain up to an additional 30 PDHs for renewal or reinstatement, and audit CPC the next three years licensee renews as current.

CASE NO. V2013-051
VCS & Co., Inc. [C-2160]
Charlotte, NC

VIOLATION: Failed to have a resident licensed professional in responsible charge in each office [.0901(c)].

BOARD ACTION: Reprimand and $2000 civil penalty.

CASE NO. V2013-052
Atlantic Foundation & Repair, LLC [D-244]
Garner, NC

VIOLATION: Practiced or offered to practice engineering in North Carolina without being licensed in violation of G.S. 89C-24, 57C and 55B.

BOARD ACTION: Board issued letter to cause respondent to cease and desist practicing or offering to practice engineering in violation of G.S. 89C-24, 57C and 55B, until licensed with the Board.

CASE NO. V2013-054
Progressive Land Development Consultants, PLLC [P-0874]
Wilmington, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)] and aided or abetted another person to evade or attempt to evade the provisions of G. S. 89C [G. S. 89C-16].

BOARD ACTION: Reprimand and $2000 civil penalty.

CASE NO. V2013-055
L. Scott Baggie, PLS [L-3450]
Carolina Beach, NC

VIOLATION: Affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)] and aided or abetted another person to evade or attempt to evade the provisions of G. S. 89C [G. S. 89C-16].

BOARD ACTION: Reprimand, $2000 civil penalty, and require proof within three months of the date of the Decision and Order, of passing the Professional Ethics Course offered by New Mexico State University.

CASE NO. V2013-063
M. A. Martin, Jr. [non-licensed]
Englewood, CO

VIOLATION: Practiced or offered to practice engineering in North Carolina without being licensed in violation of G.S. 89C-23.

BOARD ACTION: Board issued letter to cause respondent to cease and desist practicing or offering to practice engineering, to include but not limited to, forensic engineering and consulting, until licensed with the Board.
CASE NO. V2013-064
Kilgore Engineering, Inc. [non-licensed]
Englewood, CO

VIOLATION: Practiced or offered to practice engineering in North Carolina without being licensed in violation of G. S. 89C-24 and 55B and used the word “engineering” in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Board issued letter to cause respondent to cease and desist practicing or offering to practice engineering, to include but not limited to, forensic engineering and consulting, and using the word “engineering” until licensed with the Board.

CASE NO. V2013-075
Fulcrum Structural Engineering [non-licensed]
San Francisco, CA

VIOLATION: Practiced or offered to practice engineering in North Carolina without being licensed in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Board issued letter to cause respondent to cease and desist practicing or offering to practice engineering until licensed with the Board.

CASE NO. V2013-076
Michael L. Hicks [non-licensed]
San Francisco, CA

VIOLATION: Practiced or offered to practice engineering in North Carolina without being licensed in violation of G.S. 89C-23.

BOARD ACTION: Board issued letter to cause respondent to cease and desist practicing or offering to practice engineering until licensed with the Board.

CASE NO. V2013-085
Ralph Pagnatta [non-licensed]
Charlotte, NC

VIOLATION: Using the word “engineer” in North Carolina in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Board issued letter to cause respondent to cease and desist using the word “engineer” in violation of licensing required by G.S. 89C-23, until licensed with the Board.

CASE NO. V2013-090
Charles H. Moss, PE [11066]
Covington, GA

VIOLATION: Disciplined by another jurisdiction and violated G.S. 89C and the Board Rules [.0701(h)], and failed to notify the Board of a license discipline within 30 days [.0505(a)].

BOARD ACTION: Reprimand and restricted practice from offering or practicing mechanical, electrical and plumbing engineering services, until such time as he provides evidence to the Board of competency in each discipline by passing the NCEES Exam II Principles and Practices for that discipline, or has had restrictions lifted in Oklahoma.

CASE NO. V2013-094
William B. Waddington, PE [14990]
Concord, NC

VIOLATION: Failed to maintain CPC records [.1706] and submitted false information on renewal form [G.S. 89C-23, .0701(d)(1)].

BOARD ACTION: Reprimand and audit CPC the next three years licensee renews as current.